

Please type a plus (+) inside this box - []

04-03-d

A
PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 9301-136 Total Pages 07

First Named Inventor or Application Identifier

Matthew Marton

Express Mail Label No. EL 501 638 274 US



APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

Assistant Commissioner for Patents
ADDRESS TO: Box Patent Application
Washington, DC 20231

1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>Submit an original, and a duplicate for fee processing</i>	6. <input type="checkbox"/> Microfiche Computer Program (Appendix)	
2. <input checked="" type="checkbox"/> Specification (including Table of Contents) <i>(preferred arrangement set forth below)</i>	[Total Pages 58]	7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
-Descriptive title of the Invention		a. <input type="checkbox"/> Computer Readable Copy
-Cross Reference to Related Applications		b. <input type="checkbox"/> Paper Copy (identical to computer copy)
-Statement Regarding Fed sponsored R&D		c. <input type="checkbox"/> Statement verifying identity of above copies
-Reference to Microfiche Appendix		
-Background of the Invention		
-Brief Summary of the Invention		
-Brief Description of the Drawings <i>(if filed)</i>		
Detailed Description of the Invention (including drawings, <i>if filed</i>)		
Claim(s)		
Abstract of the Disclosure		
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113)	[Total Sheets 11]	8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
4. <input checked="" type="checkbox"/> Oath or Declaration	[Total Sheets 2]	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input type="checkbox"/> Newly executed (original or copy)		
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i>		
[Note Box 5 below]		
<input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u>		
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).		
5. <input checked="" type="checkbox"/> Incorporation By Reference <i>(useable if Box 4b is checked)</i>		
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.		

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No: 09/222,582 filed December 28, 1998.

18. CORRESPONDENCE ADDRESS

20583



Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or Correspondence address below

NAME				
ADDRESS				
CITY	STATE	ZIP CODE		
COUNTRY	TELEPHONE	FAX		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Marton et al.

Application No.: To be assigned; Division of
Serial No. 09/222,582, filed
December 28, 1998

Group Art Unit: To be assigned

Filed: On even date herewith

Examiner: To be assigned

For: METHODS FOR DETERMINING
THERAPEUTIC INDEX FROM GENE
EXPRESSION PROFILES

Attorney Docket No.: 9301-136

FEE TRANSMITTAL SHEET

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

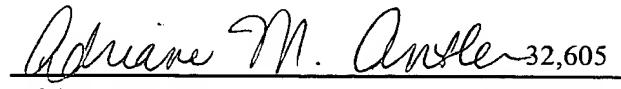
The fee required to be filed with the accompanying preliminary amendment of even date herewith concerning the above-identified application has been estimated to be \$141.

The claim amendment fee has been estimated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDT. FEE	OR	RATE	ADDT. FEE
TOTAL 51	MINUS 44	= 7	× 9	\$ 63.00	×	18	\$
INDEP. 6	MINUS 4	= 2	× 40	\$ 78.00	×	78	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			135	\$		270	\$
			TOTAL	\$ 141.00	OR	TOTAL	\$

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date April 2, 2001


Adriane M. Antler

(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure

#21A108
5/b/01

Express Mail No.: EL 501 638 274 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner S. Siu
 Art Unit 1631

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, D.C. 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/222,582 filed on December 28, 1998.

of Matthew Marton and Roland Stoughton
(inventor(s) currently of record in prior application)

for METHODS FOR DETERMINING THERAPEUTIC INDEX FROM GENE EXPRESSION PROFILES
(title of invention)

1. The filing fee is calculated below in view of the preliminary amendment made in paragraph 2 below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	44	-20	24	\$18.00 each	\$ 432.00
Independent	4	-3	1	\$78.00 each	\$ 78.00
				Basic Fee	\$ 710.00
				Multiple Dependency Fee If Applicable (\$270.00)	\$ 0.00
				Total	\$ 1,220.00
					- \$ 610.00
				Total Filing Fee	\$ 610.00

2. Cancel claims 45-63 without prejudice.

3. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

4. Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. , filed .

4a. Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

4b. New formal drawings are enclosed.

4c. Informal drawings are enclosed.

5a. Priority of application no. filed on in is claimed under 35 U.S.C. §119.

5b. The certified copy has been filed in prior application no. , filed .

6. The prior application is assigned of record to Rosetta Inpharmatics, Inc.

7a. The Power of Attorney appears in the original papers in the prior application no. 09/222,582, filed December 28, 1998.

7b. Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.

8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. , filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.

9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .

10. Additional enclosures or instructions: Preliminary Amendment.

Respectfully submitted,

Date April 2, 2001

Adriane M. Antler 32,602
Adriane M. Antler (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711
(212) 790-9090